

**A DRAFT OF PROPOSED LEGISLATION ENTITLED THE "CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000"—A MESSAGE FROM THE PRESIDENT—PM 104**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

I am pleased to transmit today for immediate consideration and prompt enactment the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000." This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial product hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years

can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest. The CPSC may then order the company to carry out an alternative program that is in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislative proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, May 12, 2000.

**MESSAGE FROM THE HOUSE**

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New

York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1377) to designate the facility of the United States Postal Service located at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Great Washington Soap Box Derby.

The message further announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 3519. An act to provide negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children.

**ENROLLED BILL SIGNED**

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 434. An act to authorize a new trade and investment policy for sub-Saharan Africa, expend trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

**MEASURES REFERRED**

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be